

REMARKS

Claims 1-17 are pending in the application. Claims 3 and 7 are amended to recite that the cuboid shape is a rectangular prism comprising longitudinal sides having larger cross-sections and end faces having smaller cross-sections. Support for this amendment may be found in Figures 1-6 and page 3, line 26 to page 4, line 28 in the specification. While the specific term "rectangular prism" is not written in the specification, this term is understood by those in the art as best describing the shape disclosed in the specification that is cuboid with longer and shorter sides. Claims 4, 8, and 11 are amended to provide proper antecedent basis for the claims. Support for the amendments may be found, for example, in the claims as originally filed. Claim 17 is rewritten in independent form to recite the limitations of claim 1, from which it depends. No new matter is added.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 17 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response to the Examiner's indication of allowable subject matter, claim 17 is amended to be an independent claim including the limitations of the base claim and intervening claims.

Claims Rejections 35 U.S.C. 112

Claims 3-7 and 11 are rejected by the Examiner under 35 U.S.C. 112, second paragraph, as being indefinite over the terms "the smaller cross-sections" in claims 3 and 7, "the larger cross-sections" and "the longitudinal sides" in claim 4, "a lateral longitudinal edge" in claim 6, and the combination of terms "wall" and cylindrical wall" in claim 11. The Examiner's rejection has been carefully considered.

Claims 3 and 7 are amended to recite that the cuboid shape is a rectangular prism comprising longitudinal sides having larger cross-sections and end faces having smaller cross-sections. This makes the meaning of the comparative terms "larger" and "smaller" clear with respect to what comparison is being made, and provides proper antecedent basis for "the longitudinal sides" in claim 4. Applicant believes that the amendment to claim 3 also clarifies what is meant by "a lateral longitudinal edge" in claim 6. Claim 11 is amended to correct the lack of antecedent basis for "the wall" and the recitation of both "wall" and "cylinder wall" as simultaneous limitations in the claim.

In view of the foregoing arguments and the amendments to claims 3, 4, 7, 8, and 11, Applicant respectfully requests that the rejection of claims 3-7 and 11 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims Rejections 35 U.S.C. 103

Claims 1-7, 9, 10, 12-14, and 17 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over **Reich et al.** (US 6,514,131) in view of **Stirm** (US 5,349,752). The Examiner's rejection has been carefully considered.

The Examiner has indicated claim 17 as allowable subject matter, but the claim is rejected under 35 U.S.C. 103(a). Applicant respectfully requests clarification regarding the status of claim 17.

The presently claimed invention is not unpatentable over Reich in view of Stirm because the cited references do not teach or suggest a one-piece tool/dustbox system. The cited references both teach away from the presently claimed invention and teach away from each other.

Reich teaches a power tool with a removable dust box and does not teach or suggest a dust box that is integrally joined with the machine housing (abstract and column 2, lines 34-42). While Reich teaches a dust suction device (19) that is integrated into the housing of the tool, that suction device is "detachably fastened with its injection fitting (22) to a dustproof dust box (21)" (abstract).

The teachings of Reich alone would not have motivated one of ordinary skill in the art, at the time that the invention was made, to make the dust collection box an integral part of the housing, as presently claimed, because the configuration of the presently claimed invention would work against the advantages of the power tool taught by Reich, which include large filter surface area, high air permeability, and detachable dust box walls for easy cleaning/replacement of filters and the prevention of undesirable spills (column 1, lines 37-56).

Stirm teaches dust collection bags for power tools. Stirm does not teach or suggest a dust collection box as an integral part of the tool housing. Stirm teaches that dust is channeled through the housing 3 and out through a tubular outlet to the inlet 15 of the dust bag, which is press fit onto the tubular outlet (column 2, lines 4-9 and 45-48). The use of a bag is directly at odds with the teaching in Reich, which includes baffles to reduce turbulence (column 5, lines 57-67). Consequently, one of ordinary skill in the art, at the time that the invention was made, would have had no motivation to combine the two cited references to arrive at the presently claimed invention.

In view of the foregoing arguments, Applicant respectfully requests that the rejection of claims 1-7, 9, 10, 12-14, and 17 under 35 U.S.C. 103(a) be withdrawn.

Claims 8, 11, 15, and 16 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over **Reich** in view of **Valentini** (US 7,118,609). The Examiner's rejection has been carefully considered.

The present application claims priority to German patent application DE 103 58 583.4, filed 12/15/2003. Valentini (US 7,118,609) was published 05/11/2004 and therefore cannot be applied as prior art against the presently claimed invention. Additionally, the combination of Reich and Valentini could not have allowed one of ordinary skill in the art to arrive at the presently claimed invention because neither reference teaches or suggests a dust collection box that is integrally joined with the machine housing.

In view of the foregoing arguments, Applicant respectfully requests that the rejection of claims 8, 11, 15, and 16 under 35 U.S.C. 103(a) be withdrawn.

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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